

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE NORTHWEST CORNER OF MARGARET STREET AND SOUTH 13TH STREET (681 SOUTH 13TH STREET, APN 472-22-087) TO THE R-1-8(PD) PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, a Statement of Exemption was prepared for a rezoning project described under File No. PDC13-002, and said Statement of Exemption is adopted as of February 13, 2013; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the R-1-8(PD) Planned Development zoning district; and

WHEREAS, this Council of the City of San José has considered and approves said Statement of Exemption prior to taking any approval actions on this project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as R-1-8 (PD) Planned Development. The base zoning district of the subject property shall be the R-1-8 Single-Family Residential Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Wonder Homes Naglee Park Project No. 1, Planned Development for Two Detached Single Family Houses," **last revised on February 2, 2013.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC 13-002 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this day of February, 2013 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

TONI J. TABER, CMC
Acting City Clerk

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCELS 1 & 2 AS DELINEATED UPON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON NOVEMBER 1979, IN BOOK 457 OF MAPS, AT PAGE 16.

EXCEPTING THEREFROM A RECTANGULAR PIECE OF LAND 14.0' FEET OF WIDTH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LYING ON THE MOST NORTHEASTERLY PROPERTY CORNER OF PARCEL 1 OF SAID PARCEL MAP, SAID POINT ALSO COMMON TO PARCEL 3 OF EXHIBIT "A" AND ALSO LYING ON THE SOUTHWESTERLY, RIGHT-OF-WAY LINE OF SOUTH 13TH STREET (30' HALF STREET); THENCE FROM SAID POINT OF BEGINNING ALONG SAID MOST EASTERLY LINE S. 30 DEGREES 39' E. 14.00 FEET; THENCE LEAVING SAID MOST EASTERLY LINE S. 59° 21' W. 117.72 FEET TO A POINT LYING ON THE MOST WESTERLY LOT LINE OF SAID PARCEL 1; THENCE LEAVING SAID MOST WESTERLY LINE N. 30 DEGREES 39' W. 14.00 FEET TO A POINT COMMON TO PARCELS 1 & 3 OF SAID EXHIBIT "A"; THENCE N. S. 59° 21' E. 117.72 FEET TO THE POINT OF BEGINNING.

APN: 472-22-088